



February 11, 2011

ACRB Members

Joy Morrissey
Chairperson

Maceo Williams
Vice Chairperson

Alan Morris
Secretary

Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

Paul Bartels
Barbara Hubbard
Charis Johnson
Ryan C. Johnson
Owen Montague
Sharese Shield

RE: Complaint #10-50 / Hugwitt Davis

Cristina Beamud
Executive Director

Dear Chief Turner:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint alleging that Sergeants Skiloski and Sinks used excessive force when they arrested Mr. Hugwitt Davis on August 15, 2010.

MAYOR of ATLANTA
KASIM REED

Atlanta City Council

Ceasar C. Mitchell
President

Carla Smith
District 1

Kwanza Hall
District 2

Ivory Lee Young, Jr.
District 3

Cleta Winslow
District 4

Natalyn Mosby Archibong
District 5

Alexander Wan
District 6

Howard Shook
District 7

Yolanda Adrean
District 8

Felicia A. Moore
District 9

Clarence T. Martin
District 10

Keisha Lance Bottoms
District 11

Joyce Sheperd
District 12

Michael Julian Bond
Post 1-At-Large

Aaron Watson
Post 2-At-Large

H Lamar Willis
Post 3-At-Large

Mr. Davis was arrested by Sergeant Skiloski and Sergeant Sinks on August 15, 2010 for possession with intent to distribute cocaine, obstruction of officers, tampering with evidence, criminal solicitation to commit a felony, and giving a false name. Mr. Davis said he was approached by Sergeant Sokloski who asked for his identification and then swung at him. He said Sergeant Sokloski choked him, threw him to the ground, handcuffed him and continued to kick him as he lay on the ground. Mr. Davis further said that Sergeant Sinks kicked him and Davis screamed for help as he drifted in and out of consciousness. Two or three additional officers arrived and they began to beat him. He said a female officer did not strike him but she verbally abused him.

The officers accused him of selling drugs and told him he was going to jail. While seated in the back seat of the police car, an officer accused him of having crack cocaine in his pants, so he was removed from the car and the officer pulled his pants down to his ankles and searched him. He also said that they beat him while they searched him. They accused him of inserting drugs into his rectum. Davis said he screamed that he was being sexually assaulted and he was transported to Grady Hospital after spending two hours on the side of the building. He said that he suffered kidney failure as a result of the altercation and provided names of two individuals that witnessed the incident. They were homeless but often do side jobs at an Asian restaurant located in the shopping center.

This incident occurred in a commercial area. An employee of the tattoo shop located adjacent to the arrest location, Kristen Duke, was located and she stated that she observed three officers standing around a handcuffed black male who was screaming. She said that the entire time she saw Mr. Davis, he was handcuffed, standing on his own two feet, screaming and the officers were standing around him. She never saw any officers strike Mr. Davis and said that Mr. Davis was behaving in a bizarre manner and was trying to attract attention. Ms. Duke heard him say, "they are raping me," and, "I am being sexually assaulted." They were outside the building for about a half hour to forty-five minutes.

Continue ...

Joe Payne is one of the persons identified as a witness by Mr. Davis. He was located and he said that he was conversing with Davis at the rear of 2261 Cheshire Bridge Road when they observed a police car approach. Mr. Davis walked in the opposite direction towards the side of the building. Mr. Payne was detained by the officer. Payne said he was placed in the rear of the police car and they moved closer to the side of the building where Mr. Davis was located. Mr. Davis was lying on the ground and appeared handcuffed. He could not fully see Mr. Davis because he was lying on the ground between a police car and a concrete wall. Mr. Payne admitted that on frequent occasions, he bought narcotics from Mr. Davis and was attempting to purchase narcotics on the day of the incident. Mr. Payne was released from custody.

The police report was completed by Officer J. Layman and it states that he responded to assist Sergeants Skiloski and Sinks and was advised by Mr. Payne that Mr. Davis had crack cocaine in his butt. The sergeants advised that Mr. Davis had swallowed crack cocaine. He looked in the backseat of Sergeant Sinks' car and saw Mr. Davis digging in his butt, and there were small white little rocks of crack cocaine near his butt. Mr. Davis was pulled from the car and refused to spread his legs, so he was taken to Grady Hospital. He was observed for the second time to be digging crack cocaine from his butt. He was pulled from the car and the crack cocaine was removed from the back seat. He was taken to Grady. He began to fight with the nursing staff and it took six people to restrain him and was given two doses of Ativan in order to calm down. He remained at Grady Detention.

Officer Layman was interviewed and said that when he arrived, Mr. Davis was handcuffed and seated in the back of one of the police cars. He saw him reaching into the area near his buttocks and it appeared that Davis was attempting to hide narcotics, so he removed Davis from the car. He saw a white chalky substance that appeared to be crack cocaine on the seat where Davis had been seated. He placed Davis on the ground and attempted to search him. He resisted the officers' attempts to search him so they decided to put him back in a patrol car and take him to Grady Hospital. There was concern that he had ingested cocaine in an attempt to conceal it. He was very agitated and he was yelling loudly that he had been raped and molested. Officer Layman and Golphin took Davis to Grady Hospital where they enlisted the assistance of three detention officers to control Mr. Davis. He was given Ativan by medical personnel. Officer Layman denied using excessive force against Hugwitt Davis.

Officer Golphin confirmed Officer Layman's version of the events.

Officer Bandy was the female officer mentioned by Mr. Davis in his original complaint. Mr. Davis was seated in the rear of a police vehicle when she arrived and he was removed from the car so he could be further searched for narcotics. Mr. Davis was uncooperative and resisted attempts to search him and was yelling. She said that after attempting to search Mr. Davis, the officers put him back into the car and he appeared to be trying to conceal something in his pants. Officer Bandy said that the substance in his possession appeared to be crack. Davis was removed and placed into a third car and was transported to Grady. She said that the only force used was the force to move him in and out of vehicles.

Sergeant Sokloski said that they were patrolling the area of 2261 Cheshire Bridge Road and he observed two males engaged in a suspicious transaction. He approached Mr. Davis and observed a white substance in Davis' hand. He asked what it was and Davis replied, "fuck you, it isn't crack," and appeared to swallow whatever was in his hand. He and Sergeant Sinks attempted to detain him and Davis resisted. They were able to handcuff Davis and began to investigate the other man, identified as Joe Perry. Mr. Perry was questioned by Sergeant Sokloski. According to Sergeant Sokloski, Perry admitted that he was trying to buy crack cocaine from Mr. Davis and that he usually keeps the cocaine in his buttocks. They asked Mr. Davis about the cocaine and informed him that he was going to be searched. Davis became belligerent and began to scream and yell that he was being raped and molested. He arrested Davis and placed him in the rear of the police car and he noted that Davis was removing something near the small of his back. The officers removed Davis from the car and they found a white substance in the back seat where Davis had been sitting. He was placed into another car and was taken to Grady Hospital.

Sergeant Sinks confirmed Sergeant Sokloski's version of the incident.

Medical records from Grady Hospital revealed that Davis was diagnosed with an "altered mental status." The records indicate that Davis was combative and a danger to others. He tested positive for cocaine and was administered Ativan, which is used to treat anxiety and Haldol which is an antipsychotic medication. He was admitted to critical care for observation and treatment.

Two independent witnesses fail to corroborate Mr. Davis' version of the incident. There was no evidence to support Mr. Davis' version of the incident. All of the other evidence, including the medical record, supports the statements of the five officers who were present at the scene. For this reason, the Atlanta Citizen Review Board voted to recommend a finding of **Exonerated** with regard to the allegation of Excessive Force.

Please let me know if you have any questions or would like to have a copy of the full investigation. The ordinance requires the Chief to respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Caesar Mitchell
Members of Council
ACRB Board Members